



REMARKS BY MAYOR JERRY SANDERS
REGARDING MR. AGUIRRE’S CHARGE OF “CORRUPTION” AND SUNROAD
JUNE 21, 2007

Since I took office, I have attempted to work cooperatively with our City Attorney, to avoid conflicts with him that would obstruct progress in getting our city back on track financially and organizationally. Before I was elected, the City Attorney had demonstrated an ability to obstruct and disrupt city operations. I hoped to avoid this problem during my administration.

I believe that our citizens want their elected officials – especially the top two officials who are elected city-wide – to work cooperatively in the interests of our citizens.

For the past 19 months, maintaining a constructive relationship with Mr. Aguirre has been a priority, and as a result I have refrained from commenting on problems he has created or deficiencies in his performance, knowing that such comments would compromise our working relationship.

Despite my efforts, our relationship recently deteriorated when Mr. Aguirre accused me of corruption, a charge he leveled in retaliation for requiring him to manage his office with the same fiscal accountability that I demand from all city departments. Bluntly, he wanted to keep 17 improperly budgeted staff members. He made the same politically-motivated charge again last Friday in a letter to the editor of the San Diego Union-Tribune.

For the past week, I have debated whether or not I should respond to his charge.

As a man who has dedicated himself to upholding the rule of law, I do not take words like “illegal” or “corrupt” lightly. I don’t – and I won’t – toss these words around. To me, they mean something.

When used by a prosecutor responsible for the ethical conduct of his office, they take on special importance. Prosecutors have an ethical obligation to avoid making unsubstantiated or politically-motivated charges, or to pre-judge a situation before all the facts are in. Misconduct by a prosecutor sworn to uphold the public trust can have grave impacts on public discourse and the integrity of our system of representative government.

That's why I made the determination that I must address Mr. Aguirre's abuse of discretion. I want to assure our citizens that I have done nothing unlawful nor have I acted in a corrupt fashion.

There is no question that mistakes were made by my administration in the handling of the Sunroad matter. I have taken full responsibility for these mistakes and have pledged to fix the problems so that they can never happen again. I will speak to some of the outstanding issues during the second part of this news conference.

But that is very different from spurious charges of corruption and illegal acts made by Mike Aguirre.

I take this accusation so seriously that I have asked the State Attorney General to evaluate Mr. Aguirre's unfounded charge of corruption against me. I want, and I think the citizens of our community deserve, a dispassionate assessment of the charges made by Mr. Aguirre. I am confident that this evaluation will conclude that I have acted properly.

As you know, I'm not the first person Mr. Aguirre has accused of improprieties. I join a very long list of law enforcement and judicial officials – some of whom are standing next to me today -- and organizations he has maligned.

They include District Attorney Bonnie Dumanis, Police Chief Bill Lansdowne, Sheriff Bill Kolender, and all of the sitting judges on the San Diego County Superior Court bench.

Recently, a Superior Court judge found Mr. Aguirre guilty of misconduct for his abuse of prosecutorial discretion. He ruled that Mr. Aguirre blatantly disregarded his ethical responsibility to separate civil and criminal prosecution.

Not only has Mr. Aguirre made charges indiscriminately, he has also failed to present evidence to back up his claims, or to formally file charges against the individuals he has defamed. It is obvious that anyone who does not agree with Mr. Aguirre eventually risks being accused of corruption by him.

It is fine to disagree on issues and on the decisions that each of us make in the discharge of our responsibilities. The city has a number of issues that are contentious and on which people of good judgment can disagree. Such disagreement is proper and is healthy. It is entirely another thing to abuse the authority of your office in order to intimidate and/or silence those who disagree with you; to abuse the authority of your office to achieve your political objectives--no matter how high-sounding they are.

I call on Mr. Aguirre to pick his words much more carefully in the future. In my case, I won't allow the words "corruption" or "illegal" to simply fester when they are associated with my name. That's why I am speaking out today and that's why I have asked the Attorney General to evaluate Mr. Aguirre's language.

Part II: Centrum 12 Office Building

Public safety has and always will be my first priority. As such, I vigorously support the City's prosecution of the case against Sunroad so that the Centrum 12 office building is reduced in size to 160 feet and no longer poses a danger to the public. No one who knowingly violated FAA regulations should get a free ride. It's clear that Sunroad knowingly violated the very clear advice of the FAA to limit the building to 160 feet.

If they had wanted to act responsibly, they would have stopped construction at 160 feet until the issue had been sorted out.

Legitimate questions have been raised about how the city got itself in this situation. The primary question in my mind is how the building was allowed to rise above 160 feet even after the City learned of the FAA's objections.

As the mayor, I'm ultimately responsible for the performance of staff in the executive branch of city government. If errors in judgment contributed to this situation, it's my job to make those determinations and hold the people who are responsible to account.

If existing city procedures contributed to this situation, that too must be determined and appropriate procedural changes will be made so that this can never happen again. And that's exactly what I intend to do. This is a big organization. Mistakes are sometimes made. When they are, the public deserves answers and solutions.

But the City Attorney and I have two very different approaches to dealing with such mistakes. Mr. Aguirre's approach is to exploit a problem, call a news conference and make accusations, rightly or wrongly.

My approach is to get all the facts, figure out what went wrong, make changes as appropriate, pursue solutions in the public interest, and present this information to the public. That's what I'm doing regarding Sunroad.

A few weeks back, I announced an internal investigation of events related to this matter. That investigation is on-going, with a final report anticipated within a few weeks. When that report is available, I will make it public and announce corrective actions. My approach isn't as dramatic as Mr. Aguirre's. But it's much more constructive in terms of actually solving problems.

There are many issues related to Sunroad on which Mr. Aguirre and I agree. I wholeheartedly support the City's case against the company. No one who willfully ignored federal and state regulations should get a free pass.

I have directed DSD to issue a full Stop Work Order on the entire project.

As a result of my memo yesterday to the City Attorney asking for a legal opinion from the law firm representing the City, I will issue a full stop work order on this project. I am relying on

the City Attorney's advice that the City is on firm legal ground in directing that this stop work order be issued.

I call on Sunroad to do the right and honorable thing and simply re-engineer the building to meet the 160 feet height limit. I call on Sunroad to act immediately and do what's in the best interests of our community. Bring down the building now to 160 feet! As I have stated previously, no occupancy permits will be issued until this matter is fully resolved.